IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 34 OF 1997

Kamgar Sabha, a
registered Trade
Union having its
registered office at
Kennedy House,
Goregaonkar Rd.,
Mumbai. ... Petitioner.

Versus

1. Chief Secretary,
State of Goa,
Secretariat Bldg.,
Panaji, Goa, and

2. Hindustan Ciba Geigy
Ltd., Santa Monica
Works, Corlim, Ilhas,
Goa - 403 110. ... Respondents.

Shri Arshad Shaikh and Shri V. Menezes, advocates for the petitioner.

Shri H. R. Bharne, Government advocate for respondent no.1.

Shri C. V. Pawoskar and Shri S. D. Padiyar, advocates for respondent no.2.

CORAM: S. RADHAKRISHNAN &
P. V. HARDAS, JJ.

DATE: 18th September, 2002.

ORAL JUDGMENT (Per S. Radhakrishnan, J.)

Heard the learned counsel for the petitioner and the respondents. The learned counsel for the petitioner-Union initially sought to contend strongly that a Writ Petition is maintainable even against respondent no.2, which is a private entity for enforcement of certain fundamental rights. However, after certain arguments, the

learned counsel for the petitioner fairly states that the petitioner is not pressing any relief against the said private entity, being respondent no.2 herein.

2. However, the learned counsel for the petitioner pointed out that the workers involved in this petition have been waiting for their grievances to be resolved for a long period. Under these circumstances the learned counsel for the petitioner prays that they should be permitted to make a detailed representation to the State Government to enable the State Government to consider the issue of making a reference. The learned counsel for the petitioner states that within a period of two weeks from today, the petitioner-Union will make the necessary application to the State Government seeking such a reference.

3. Under the aforesaid facts and circumstances, in view of the fact that the learned counsel for the petitioner-Union is not pressing any relief in this petition against respondent no.2, which is a private entity, we are not inclined to interfere in this petition. However, we allow the petitioner-Union to make an appropriate representation to the State Government of Goa, being the appropriate Government in this case, within a period of two weeks from today, with regard to the dispute, which the State Government shall, after hearing

the respondents, decide whether to refer the same or not.

4. The exercise of whether to refer the industrial dispute or not shall be done by the State Government within a period of two months from the date of receipt of the aforesaid representation.

5. In the event the State Government decides to refer the matter for adjudication to the Industrial Tribunal, the Industrial Tribunal shall dispose of the same as expeditiously as possible, preferably within a year thereafter.

6. All the contentions of both the petitioner and the respondents are kept open.

7. In view of the above, the Writ Petition is dismissed, Rule stands discharged.

P. V. HARDAS, J. S. RADHAKRISHNAN,J.

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